

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KHUY V. NGUYEN,
DONALD K. SIMMONS,
RONALD W. CALL,
and SHAWN E. HUX

Application 10/005,846
Technology Center 1700



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 31, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

On September 8, 2006, the Board remanded the Application to the Examiner in a paper entitled, "Order Remanding To The Examiner." On November 3, 2006, the Examiner mailed to the Appellants an Examiner's Answer in response to the Remand, which permitted a new ground of rejection.

According to MPEP §1207.03 – New Ground of Rejection in Examiner's Answer:

I. REQUIREMENTS FOR A NEW GROUND OF REJECTION

Application 10/005,846

Any new ground of rejection made by an examiner in an answer must be:

- (A) approved by a Technology Center (TC) Director or designee;
and . . .

However, there does not appear to be any notation in the Examiner's Answer filed November 3, 2006 of an approval by a Technology Center Director or designee. Correct is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) either vacate the Supplemental Examiner's Answer mailed November 3, 2006 or revise the Supplemental Examiner's Answer by acquiring the Technology Center Director's approval on such;
- (2) have a complete copy of the revised Supplemental Examiner's Answer scanned into the record, if applicable, and;
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____

PATRICK J. NOLAN
Deputy Chief Appeals Administrator
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PJN/lS

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